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# THE ADMISSION OF KANSAS.

## SPEECH

OF

HON. JAMES WILSON, OF INDIANA.

Delivered in the U. S. House of Representatives, March 29, 1858.

The House being in the Committee of the Whole on the state of the Union—

Mr. WILSON said :

Mr. CHAIRMAN: This debate is about to close. I therefore wish to present the reasons which have determined me, under all circumstances, to oppose the admission of Kansas into the Union under the Lecompton Constitution. I also wish to present what I conceive to be the true cause of all the difficulties in that Territory, from its organization to the present period. For I do not conceive that it is contained in the mere refusal to submit to the people this Constitution, to be approved, or disapproved, by a direct vote. That was a great wrong, but still not the true cause; neither do I concede that the charge of rebellion made by the President in his special message is the true cause. That charge is simply untrue. But, sir, the true cause lies far back of the Lecompton Constitution—far back of the charge of rebellion. It is contained in the bill organizing the Territory—the organic act which gave it its existence. Here it is; and I ask that it may be read.

“That the Constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognised by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act, not to legislate slavery into any State or Territory, nor to exclude it therefrom, but to leave the people perfectly free to form their domestic institutions in their own way, subject only to the Constitution of the United States.”

Here, sir, is the cause from whence has sprung all our woes. Here, the error—deep, radical, and fundamental. In what? In the repeal of the Missouri compromise; in the deliberate declaration that the previous legislation of this Government in regard to its Territories was unjust, oppressive, and unconstitutional. I did not agree to that repeal then—do not now. I did not assent to that declaration then—do not now. I thought I saw arms bristling all around the bill—I have seen it realized.

The sovereignty of Congress over the Territories—the only true and legitimate sovereignty—was discarded, and for what? For the Kansas-Nebraska bill; for the principles of that bill which has organized sectional parties, convulsed the Territory of Kansas, deceived her people, and is now here embodied in the Lecompton Constitution. Sir, this principle of the Kansas-Nebraska bill,

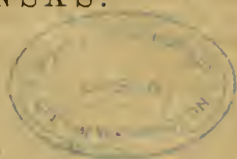
—“sent before its time

Into this breathing world, scarce half made up,”

what is it? I have a right to ask; for its distinguished author and the Administration which came into power upon its assumed principle differ widely as to its meaning and force. I have a right to ask; for to-day, in a distant Territory, forty thousand American citizens, our own blood, and race, and lineage, are fearfully awaiting our decision of its meaning. Does it mean that thirty-one States,

“Long wandering, in wild mazes lost,”

have groped their way into this Union, in utter ignorance of the great principles of this Government, that as Territory after Territory has been organized into States, their people had no conception of their duties and rights? Does it mean that Kansas, by special favor, has had a right conferred on her and her people, never before exercised or enjoyed? Then I ask for the evidence. Is it contained in her history? Is it in the vote of McGee? Is that self-government? Is it in the returns from Johnson? Is that non-intervention? Is it in the Oxford fraud? Is that popular sovereignty? Sir, I



[Wilson, James, Blomfield, 1858]

feel "perfectly free" to say that Kansas affords no interpretation of its meaning. We must look elsewhere.

What, then, is the principle contained in the Kansas-Nebraska bill? Sir, it is "Janus" faced. The advocates of the bill gave it two constructions: one for the North, and one for the South; both of which, I shall show, have been overthrown and discarded by the Democratic party and the Federal Judiciary. What is the first? It is Territorial sovereignty. That is the right of the people of the Territory, acting through their Territorial Legislature, to establish or reject slavery. This was the position of Mr. DOUGLAS. That there may be no mistake, I shall read from his speech on the 3d of March, 1854:

"I will begin with the compromises of 1850. Any Senator who will take the trouble to examine our Journals will find that on the 25th of March of that year I reported from the Committee on Territories two bills, including the following measures: the admission of California; a Territorial Government for Utah; a Territorial Government for New Mexico; and the adjustment of the Texas boundary. These bills proposed to leave the people of Utah and New Mexico free to decide the slavery question for themselves, in the precise language of the Nebraska bill, now under discussion. A few weeks afterwards, the committee of thirteen took these two bills, and put a wafer between them, and reported them back to the Senate as one bill, with some slight amendments. One of these amendments was, that the TERRITORIAL LEGISLATURES SHOULD NOT LEGISLATE ON THE SUBJECT OF SLAVERY. I objected to that provision, on the ground that it SUBVERTED THE GREAT PRINCIPLE OF SELF-GOVERNMENT, upon which the bill had been originally framed by the Territorial Committee. On the first trial, the Senate refused to strike it out; but subsequently did so, after full debate, in order to establish that principle as the rule of action in Territorial organization."

Such, sir, was the opinion of Mr. DOUGLAS in 1854, and may be now; and not only his, but of the Senate of the United States. Not only was the right conceded, upon full debate on the Nebraska bill, to the Territorial Legislature to legislate upon the subject of slavery, but even the attempt to deny the right was declared subversive of the principle of self-government. Now, sir, I am no advocate for Territorial sovereignty. I never believed in the doctrine, and do not now. States are sovereign—not Territories. But I insist that the Democratic party shall not disown and repudiate its acknowledged principle; and, more especially, when to do so subverts the principles of self-government.

But, sir, what do we find? What, but the principle of Territorial sovereignty, completely

abandoned, overthrown—and by whom? By the Supreme Court of the United States, and its action endorsed by the Democratic party. So that here, as well as in Kansas, a blow was struck against the principles of self-government. Territorial sovereignty with that blow ceased to exist. Let its body pass from our sight.

But to the second—the real, tangible principle of the Kansas-Nebraska bill, universally recognised by the Democratic party as the only principle contained in the bill. It is this:

1. That Congress has no power to legislate upon the subject of slavery in the Territories.

2. That the people of the Territories, acting through their Territorial Legislatures, have no power to legislate upon the subject of slavery.

3. That the Constitution establishes and protects slavery in all the Territories of the United States; and that the people can only decide upon the question of slavery when they form their Constitution, which even then has been rendered impossible by the Federal Judiciary, and virtually denied, upon this floor, by the Democratic party.

What is the effect of this policy? It is simply this: that every foot of soil belonging to the United States—that all the Territories—Kansas, Utah, New Mexico, Washington, Dakota, all, every inch, no matter where, North or South, is slave soil; that the Constitution, which you and I have been taught to believe was ordained to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, has yet another object and end, and that is to build up states of slavery and empires of oppression. Such is the doctrine of the day. I discard it; I repudiate it! Nor am I alone in the rejection and repudiation of the doctrine. The North, whose great heart has ever beat true to the Union, repudiates the doctrine; the dead and the living testify against it. Daniel Webster, sir, Daniel Webster, the Defender of the Constitution, has left his opinion on this subject on record, to be read of all men. I have it here:

"Let me say, that in this general sense, there is no such thing as extending the Constitution. The Constitution is extended over the United States, and nothing else. It cannot be extended over anything except the old States and the new States that shall come in hereafter, when they do come in. There is a want of accuracy of ideas in this respect, that is quite remarkable, among eminent gentlemen, and especially professional and judicial men. It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty, is extended, by force of the Constitution itself, over every new Territory. That proposition cannot be maintained at all.



‘How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible constructions. It is said that this must be so, else the right of *habeas corpus* would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory.”

To the same effect Mr. Cass, in 1854, said:

“But you cannot put your finger on the power thereby ceded to carry slaves into our new Territories. Does the Constitution give authority to interfere? No. The word slave is not to be found in that instrument.”

Again, Mr. Benton says:

“We have had some slave Territories—Missouri, Arkansas, Florida—into which that property was carried. Was it done under the Constitution? No; but under the Territorial law; sanctioned, not by the Constitution, but by Congress, and governed after it got there by the Territorial law. No one carried the State law with him. He left that behind, and took what he found in the Territory.”

And not only Mr. Webster, Mr. Cass, and Mr. Benton; but I hold in my hand a similar declaration, made in the Senate of the United States by one who, living, I admired above all men—dead, I still love and cherish as a sacred heritage his memory—I mean Henry Clay. I read from his speech on the compromise bill:

“I take it for granted that what I have said will satisfy the Senate of that first truth, that slavery does not exist there (Utah and New Mexico) by law, unless slavery was carried there the moment the treaty was ratified by the two parties to the treaty, under the operation of the Constitution of the United States. Now, really I must say, that the idea *‘eo instanti’* upon the consummation of the treaty the Constitution of the United States spread itself over the acquired Territory, and carried along with it the institution of slavery, is so irreconcilable with every comprehension or any reason which I possess, that I hardly know how to meet it. Why, sir, these United States consist of thirty States. In fifteen of them there is slavery; in fifteen, slavery does not exist. How can it be argued that the fifteen slave States, by the operation of the Constitution of the United States, carried into the ceded country their institution of slavery, any more than it can be argued upon the other side, that by the operation of the same Constitution the fifteen free States carried into the ceded Territories the principle of freedom, which they, from views of public policy, have chosen to adopt within their limits? Let me suppose a case. Let me imagine that Mexico had never abolished slavery there at all. Let me suppose that it was existing there, by virtue of law, from the shores of the Pacific to those of the Gulf of Mexico, at the moment of the cession of those coun-

tries to us by the treaty in question. With what patience would gentlemen, coming from the slaveholding States, listen to an argument which should be urged by the free States, that, notwithstanding the existence of slavery within these Territories, the Constitution of the United States, the moment it operated upon and took effect within the ceded Territories, abolished slavery and rendered them free? Well, is there not just as much ground to contend, where a moiety of the States are free, and the other moiety are slaveholding States, that the principle of freedom which prevails in the one class shall operate, as the principle of slavery, which operates in the other class of States, shall operate? Can you, amidst this conflict of interests, of principles, and of legislation, which prevails in the two parts of the Union—can you come to any other conclusion than that which I understand to be the conclusion of the public law of the world, of reason, and of justice, that the *status* of law, as it existed at the moment of the conquest, or acquisition, remains unchanged, until it is altered by the sovereign authority of the conquering or acquiring power? The laws of Mexico, as they existed at the moment of the cession of the ceded Territories to this country, remained their laws still, unless they were altered by that new sovereign power under which this people and these Territories came, in consequence of the treaty of cession, to the United States.”

So spoke those distinguished statesmen; and I prefer to err, if error it be, in such company, than approve and endorse the late opinion of the Federal court, which is alike repulsive to every principle of humanity and subversive of all ideas of justice.

But, let us look more closely at this doctrine. Not only does it establish slavery in all the Territories, but it goes still further: it overthrows and subverts the last vestige of popular sovereignty. Has not this been illustrated in Kansas—the Schedule and the Lecompton Constitution? For, if slavery goes with the Constitution into the Territories, will it not gradually, but certainly, become a part and portion of the social and political systems of the Territories? Is it not so with Kansas to-day? And if so, how can the people be free to adopt or reject slavery when they form their Constitution? In no sense can the people be “perfectly free,” or free in any manner. They are called upon to decide as to an institution already established—established by the Constitution of the United States; and when they decide, what does it amount to? That slavery shall no longer exist? No! simply, that no more slaves shall be introduced into the State so to be organized. But, what of the slaves already there—carried there, as is alleged, by the Constitution of the United States? How can the decision of the people affect them?

Are the slaves of the Territory still to remain slaves in the State? Is the slavery, alleged to be established by the Constitution of the United States, still to continue in the State? "Certainly," responds the President. What say the slaveholders of the South, and those interested in its perpetuation? "Certainly! it is a vested right." If so, it is not only absurd, but emphatically untrue, to say that the people are free to form their Constitution, at any time, upon the question of slavery.

But this policy now governs and controls the country. Will it continue, and become its fixed policy? If so, then the last FREE STATE has been already added to the Union.

I now come immediately to Kansas. When that Territory was organized, her people, not only by the Kansas-Nebraska bill, but by every principle of our Government and its whole system, were entitled, first, to suffrage; second, to the right of representation; third, to the right of legislation; and fourth, to the right to frame a State Constitution in their own way.

I now declare that each and every one of these rights has been denied, wrested from the people of Kansas, from the day of her organization to the presentation of the Lecompton Constitution in this House, and up to the present hour.

Let me again state these rights: suffrage, representation, legislation, and the right to form their own Constitution. These were the rights of the people of Kansas. Now for the proof that these rights have been denied.

It is an admitted fact, that with us the people are the source of all political power. How is this power to be exercised and delegated? By suffrage! Then, beyond all doubt, the highest expression of the power of a free people is in the elective franchise. It is the true "popular sovereignty."

Sir, in Athens, her citizens stoned to death the intruder upon the councils of the people. Deny this right, no matter how, by force or fraud, and you enslave a people. Apply this, then, to Kansas, and what is the result?

I ask, when, where, how, and at what time, and in what manner, have *her* people ever exercised the right of suffrage? Did they in the election for Delegate? Did they in the first election for a Territorial Legislature? Did they in the election for members of the Constitutional Convention? No, sir; in neither. At the first election, one thousand seven hundred and twenty-nine illegal votes were cast; at the second, four thousand nine hundred and eight; at the third, one-half, nay, more than half of the Territory was disfranchised. So, then, the highest right of an American citizen has been denied to the people of Kansas; the right of suffrage, without which there cannot be a free government; and this, too, in a manner and by means which have dishonored the American name.

Now as to the right of representation. I deny that the people of that Territory ever had, prior to 1857, delegates of their own choice and selection, the result of their own free will. Look at the delegates of the Legislature of 1855. How came they there? By the voice of the people of Kansas? By no means. I am safe when I say that their election was the result of an almost universal overthrow of the rights of actual citizens in the Territory. Sir, scarcely a member of that body held his seat except by certificates obtained by fraud. There were eighteen districts in which the people of Kansas were to elect their first Legislature. If ever there was a time when they *should have been left* "perfectly free to regulate their domestic institutions in their own way," it was then; but were they? Far otherwise. Armed men!—why armed? what men?—entered the Territory, and usurped the rights of the actual citizens there, and by *their* votes elected the members of that Legislative Assembly. Point me, if you can, to another such outrage. Look at all the other Territories, from the day of their organization to their admission into the Union, running back half a century, and there is no parallel. Thus, this right of representation, dear to every American citizen, was violated, and the people of Kansas denied its enjoyment.

And now I appeal to Virginia, true and loyal to liberty in the days of the Revolution; true and loyal, I trust, to the Union now—I appeal to Virginia, if such invaders should stand in such a manner upon her soil to strike down her rights and dictate her laws, if every true son would not arise, and repel from her borders her invaders, or perish in the attempt?

I appeal to South Carolina, so quick and impatient of wrong, real or imagined—would she unresistingly submit to have her ancient privileges seized, and her sovereignty trampled under foot? Would she tamely, quietly, bear such a wrong? No, never! while the memories of the Revolution still linger with her people. But Kansas was weak and defenceless; her citizens few and wide apart; the shadow of Executive interference fell but to wither and prostrate her, and to-day that power seeks to force upon her people a Constitution to which a clear and undisputed majority is uncompromisingly opposed.

But how as to that other right of American citizens; the right of legislation, to enact, through their legally-elected representatives, their own laws; have the people of Kansas had this right? No, sir! How could they, when suffrage was denied? How, when they had no choice as to the delegates? Let us look to the record. Laws, to be obeyed, must always reflect the wishes and feelings of those to be governed by them. What was the character of the laws of this Territory, passed by the usurping Legislature? I do not speak of the great



body, but particularly of those in regard to slavery: what were they, and what their character? Were they just and humane? No, sir; no! It was felony to write, felony to speak, felony to publish, felony to print, and felony to circulate, anything against the institution of slavery; and not only that, but test oaths of the most repulsive character were imposed. Would you ask obedience to such laws? Would you ask a majority to submit to such enactments? Would you ask submission from the people of Kansas, when you well knew that a majority of her people were opposed to that institution? If so, you would much mistake them, for they did refuse obedience. They refused, and I rejoice that they did. They resist still, and you may go and tell your President that they will continue to resist. Ay, sir, go tell him that he may place armed soldiers in the doorways of every dwelling in Kansas; he may trample down beneath the feet of his dragoons her unoffending citizens; he may force through this House a Constitution they abhor, and have rejected by ten thousand majority; he may do all this, but when he has accomplished his work, he still has not conquered nor crushed her people, nor compelled their obedience to unjust laws and a fraudulent Constitution. Something, sir, must be pardoned to the spirit of liberty.

Having thus, Representatives, shown that popular sovereignty and Territorial sovereignty have been completely subverted by the Federal Judiciary, and having shown that practically in Kansas the same principle of self-government and popular sovereignty has been overthrown—first, in the election of a Delegate not the people's choice; second, in the election of members of the Legislature by armed men not citizens of the Territory; third, in a code of laws repulsive and not sanctioned by the popular voice—I ask your consideration of the last act of usurpation, the result of three years of mal-administration and fraud—the Lecompton Constitution. What is a Constitution? It is a system of fundamental rules, principles, and ordinances, for the government of a State. In the State, it is the supreme law. Whence does it receive its vitality? From the source of all power—the people. Hence, the great question for us to decide is, is this the Constitution of the people of Kansas? Is this their embodied supreme law? If it is, admit Kansas; if not, reject this Constitution. How shall this be determined? How shall we arrive at a correct conclusion? By restricting ourselves to the Lecompton Convention, and its acts alone? By inquiring simply whether the assumed principles of the Kansas-Nebraska bill have been violated? By no means; but by wider investigations, if need be, embracing the whole history of the Territory. Nothing should be overlooked, which would throw light upon this question. I repeat, then, is this

the Constitution of the people of Kansas? No! it is not of the people, nor from the people. If so, why the indignant protest of the 4th of January? Why the strange phenomenon of the people of a whole Territory rising up and uniting themselves in opposition to this measure? No, sir; the Constitution is a fraud. It is the work of a minority, and a fraudulent minority at that; the offspring of force, violence, bloodshed, invasion, usurping Legislatures, illegal acts of those Legislatures, and, above all, executive oppression. Is the proof demanded? Sir, it is strewn along the pathway of Kansas,

"Thick as autumnal  
Leaves that srew the brooks of Vallumbrosa."

It is a part of her public history. That history is not "hid in a corner." Its pages are open to all; and he is wilfully blind who will not see for himself. If, then, this is not the Constitution which her people wish, shall it receive the endorsement of Congress? This is the main question. Here it must be met, and here answered. This is the last tribunal. For myself, I answer, reject this Constitution. Why? For the reason, first, that the Lecompton Convention was an *unauthorized, illegal and irresponsible* body. What was its foundation? The act of the Legislature of 1856. Here is the *source*. And what is it worth? What respect are the acts of that Legislature entitled to? None whatever. It was an illegal Legislature; it began, as I have already shown, in the overthrow of free suffrage, and ended in fraud. How, then, can validity be given to its acts? Not by the recognition of the President; not by the recognition of Governor Geary; nor yet by that of Governor Walker. No recognition can give validity to fraud. It vitiates everything it touches, and therefore vitiates the Legislature of 1856. If the Legislature was illegal, then was also the Convention. The one supports the other; the Constitution rests upon the Legislature, and the Legislature upon fraud. A beautiful foundation, indeed, whereon to build the glorious fabric of a State! Endorse this Constitution, and what then? You endorse the legality of the Legislature, and declare that the people of Kansas have been perfectly free to govern themselves "in their own way." I shall give no such endorsement—utter no such declaration. To me, the one would be a disgrace, the other a falsehood. I prefer to speak of it with truth; and, so speaking, say that the Legislature of 1856 and the Legislature of 1855 both had their existence in the violated rights of the people of Kansas; that their laws have no validity; are not entitled to the respect of this House nor to that of the people of that Territory. But, if the Legislature was even legal, what then? What authority had it to authorize and establish a Government? Certainly not in the Kansas-Nebraska bill; that simply was the organic

act of the Territory; and to assert that the authority is derived from the organic act is to assert that the Legislature can set aside, subvert, and overthrow, the very act from which it derives its existence. What called into existence the Legislature of Kansas? The organic act. What powers of legislation are granted to the Legislature? Such as are conferred by the organic act, and none other; and nowhere has it conferred the power to create a new Government. All the Government that Kansas had or could have was the Kansas-Nebraska bill. This was the charter of her rights. No Legislature could go beyond it; neither could the people of Kansas, except by permission of Congress.

It is clear, then, that the law authorizing the Constitutional Convention was beyond the power of the Legislature of Kansas, and that the Convention itself that assembled at Lecompton was unauthorized. The Constitution can amount to nothing more than a petition—a petition for the redress of grievances. Sir, if the petitions of the people of Kansas had been respected years ago, we should not now be compelled to redress this sorest of all grievances—the Lecompton Constitution. But I deny that it even amounts to a petition. Who are the petitioners? Are they the people of Kansas? Are they even the agents of the people of Kansas? No, sir; the people repudiated both the Legislature and the Convention. Representatives, will you do less? But, sir, the people of Kansas did petition—petitioned through the Topeka Constitution. Oppressed and broken down—disheartened and discouraged, crushed with unjust laws—within sight of their burning houses, and surrounded by a paid hireling soldiery, they met and petitioned; they sent their petition here, and it was rejected. I only ask the same fate for this Lecompton Constitution; if being granted, I shall be content.

But I object to this Constitution for another cause—that is, slavery. And what of slavery in the Lecompton Constitution? Why, sir, it comes to us in its most detestable form; not bold and defiant, as if right, but shielding itself behind the forms of law, and skulking behind fraud and forgery for its protection. What further? At the very outset it announces a proposition, so untrue, and utterly at variance with justice and humanity, that had it not been preceded by the opinion of the Supreme Court, I should have come to the conclusion that all human fanaticism and refined indifference to the rights of man had found an appropriate refuge in the Lecompton Convention. What is the proposition? The inviolability of property in human beings; and you and I, and all of us, have so to declare, or reject this Constitution. And not only is property in a slave, and his increase forever, inviolable, but before and higher than any constitutional sanction. Approve this proposition, and what follows? Uni-

versal slavery. State lines will be no protection; State Constitutions will be no shield; State rights no guard; slaves as property will be as secure in the sixteen free States as in the fifteen slave States; for it assumes that slave property is not, and cannot be made, an exception or governed by different rules than any other property. I dissent wholly.

Why, sir, if slavery and the right to hold slaves are before and higher than any constitutional sanction, why not make that issue? Why evade it by claiming, wherever it can be done, “constitutional sanction?” Come, we accept the challenge. Erase from this Lecompton Constitution the “constitutional sanction” of slavery, and you will disarm, to a great extent, opposition to its reception. Erase from the Constitution of Arkansas, South Carolina, and other slaveholding States, the “constitutional sanction” of slavery, and you will offer a tribute to humanity. Erase from the Constitution of the United States the “constitutional sanction” of the recapture of fugitives from service, and, sir, the conscience and the duty of the North will no longer conflict. Ah! gentlemen of the South, I advise you to cling to “constitutional sanctions,” and not trust yourselves and your property upon the uncertain tenure of inviolability. Now, I hold this to be true: that slavery is merely a local institution, and that slaves are held and governed by the laws of the several States that recognise its existence. With them, I and we have nothing to do. It is conceded that slavery in the States is beyond the interference of the Federal Government, or the States, or the people of the States which do not recognise its existence. It is conceded that they are property in those States—made so by legislation. But, sir, State legislation cannot make them property everywhere. Its light is restricted—it is limited. It cannot go beyond State lines. Beyond those limits, the slave is a man, and no longer property. Such I understand to be our laws, our judicial decisions, and the rule of action in the free States and of the civilized world; and, sir, it is too late to attempt to promulgate any other and a different doctrine. It cannot be done. The inviolability of slave property is against the universal laws of right, humanity, and justice, and cannot prevail. But slavery is in Kansas, established by this Constitution; and, as far as this Constitution is concerned, as firmly established as in any slave State in this Union. And, now, what is demanded? Why, sir, that Kansas, under the Lecompton Constitution, shall be admitted into this Union—admitted, too, against the will of her people, with Slavery perpetuated in her limits, and the inviolability of slave property written in her Constitution. Shall it be done? Representatives of the American people, will you tamely yield to the Executive demand? Justice forbids, the people forbid; let their



voice be respected. I ask you, sir, [addressing Mr. GILMER, of North Carolina,] Southern man as you are—honorable and high-minded as I *know* you to be—shall it be done? Does Southern honor demand it? No! Do Southern rights demand it? No! Then why, for even a single hour, impose upon a people, an American people, a Constitution they abhor?

But, sir, there is another objection to the Lecompton Constitution—the refusal of the Convention to submit that instrument to the popular judgment, and more especially when it is known that a large majority of the citizens of Kansas are inflexibly opposed to it. The right of the people to form their own Constitution in their own way is no new thing; and, sir, it is a right that has never been until now denied, and, what is remarkable, denied by the peculiar and exclusive friends of the Kansas-Nebraska bill. Now, sir, I, for one, do not claim the right under that bill, of which I am no advocate. I deplored its passage—it destroyed the peace and harmony of the country. But I claim the right on the higher ground of the SOVEREIGNTY OF THE PEOPLE, a principle as old as the Constitution and the Union; and too grand in its proportions to be dwarfed into the narrow compass of the Kansas-Nebraska bill. I repeat, I claim it on the higher ground of the sovereignty of the people—that principle which has built up this, the freest and happiest Government on earth; until we now, as was said upon a memorable occasion, have realized the description of the edging of the buckler of Achilles:

“Now the broad shield complete the artist crowned  
With his last hand, and poured the ocean round;  
In living silver seemed the waves to roll.  
And beat the buckler’s verge and bound the whole.”

This right has never before been a debatable question. It always has been admitted. I do not mean, sir, that in every instance it has been exercised—not at all; for we have now States in the Union, republican States, admitted without their Constitution having been submitted to the people. But in all these cases there was no conflict between the Convention and the people. Their Constitutions clearly embodied their will; hence no wrong was done by waiving the submission thereof. But, sir, when the Kansas-Nebraska bill passed, and when the policy of that bill became the policy of the country, nothing is more clear than the fact that, by its whole intent, every Constitution thereafter framed should be submitted to the people for their ratification or rejection. It was the great element of the bill. And, so far as Kansas is concerned, pledge after pledge has been made to that effect. The President and the Cabinet pledged themselves to a full and fair submission. Gov. Walker, in his inaugural address, did the same. He went further, and declared:

“I repeat, then, as my clear conviction, that

‘unless the Convention submit the Constitution to the vote of all the actual resident settlers of Kansas, and the election be fairly and justly conducted, *the Constitution will be, and ought to be, rejected by Congress.*’

So, also, did Calhoun—John Calhoun, the dictator—to the people of Douglas county, when a candidate for delegate to the Constitutional Convention. But when the Lecompton Convention met, and framed the instrument now presented here, then, for the first time, it claimed to be sovereign, and, as such, independent of the people, and not responsible to their action. Let us look at this sovereignty claimed by the Convention. Whence its origin? How was it derived? From a Territorial Legislature? Did that Legislature represent a sovereignty? If so, what? If not, then how could the Convention claim in itself a power greater than the Legislature which called it into existence?

But, again, of what was this Convention composed? Delegates. Delegates to do what? To frame a Constitution, not to ordain one; not to set a new Government into operation, but to distribute the different powers—the legislative, the judicial, and the executive, and then unite the whole in one Constitution, and refer their work to the people to approve or reject. This I conceive to be the true character of a Constitutional Convention.

But, sir, these delegates—how came they at Lecompton? Did they represent the sovereignty of Kansas? Let us see. I know that the President has said in his message that a large proportion of the citizens of Kansas did not think proper to register their names. I know he has said they neglected to vote at the election for delegates. I know he has said that an opportunity to do so was fairly afforded. I know he has said their refusal to avail themselves of this right could not affect the legality of the Convention. This is extraordinary language—and is it true? No, sir. Now for the evidence. There were thirty-four counties from which to elect delegates to the Convention. The act of the Legislature required that in each of these counties a census should be taken and the votes registered. Was it done? In nineteen counties the census was never taken. In fifteen counties there was no registry of voters. And why this failure? Was it from any act of the people? No; it was the act of partisans—partisan Pro-Slavery judges, partisan Pro-Slavery sheriffs; and therefore it was that the voters in nineteen counties—a majority of all the voters in Kansas—were disfranchised, did not cast one single vote for any delegate to the Convention that framed the Lecompton Constitution. Is it denied? I produce the evidence of Gov. Walker:

“In nineteen of these counties there was no census, and therefore there could be no such apportionment there of delegates based upon

' such census. And in fifteen of these counties there was no registry of voters. These fifteen counties, including many of the oldest organized counties of the Territory, were entirely disfranchised, and did not give, and (by no fault of their own) could not give, a solitary vote for delegates to the Convention. The result was superinduced by the fact that the Territorial Legislature appointed all the sheriffs and probate judges, in all these counties, to whom was assigned the duty, by law, of making this census and registry. These officers were political partisans, dissenting from the views and opinions of the people of these counties, as proved by the election in October last."

But it is contended that the Constitution—the slavery clause—was submitted to the people. How submitted? How endorsed? Sir, the submission itself was a conspiracy against the people of Kansas—and the endorsement was worthy of the conspirators. Look at it—the Constitution with slavery, the Constitution without slavery. Here is a duplicity that would have delighted even Machiavelli. Vote for or vote against, and still it is the Lecompton Constitution, and still it is slavery! And the voters—who were they? Oxford responded with twelve hundred and twenty-six; Shawnee with seven hundred and twenty-nine; Kickapoo—loyal, devoted, and prolific Kickapoo—with one thousand and seventeen, all fraudulent!

Sir, is not this a humiliating record? Yet upon this record and this submission, with the great fact full in his view, that, on the 4th day of January, ten thousand two hundred and twenty-six votes, one after another, were cast against the Lecompton Constitution, the President urges and demands the admission of Kansas into the Union as a State.

In view of all the facts, I conceive that it was the clear duty of the Convention to submit the Constitution to the full and direct vote of the people. True, it would have been rejected, overwhelmingly rejected; but what of that? The people of Kansas had the right to reject it. This right is denied them. I therefore ask its rejection here—in this House! Let Congress reassert again its sovereignty over the Territory; pass an enabling act, just, wise, and equitable, in all of its provisions; secure to each citizen the full and free exercise of the right of suffrage; guard all from fraud, or ascertain in any other manner the clear wish of the people; adopt, if you please, the bill of the distinguished Senator from Kentucky, and the day will not be far distant when Kansas will ask for admis-

sion into the Union, not chained and manacled, but as a free, sovereign, and independent State, with a Constitution bearing the impress of the will of her own people.

Representatives of the slaveholding States, do you desire such a result? Do you wish to bring back peace and harmony, not only to Kansas, but to the whole Union? If so, no better occasion ever offered than now. If you force this Constitution through the House, what advantage will you gain? Will it be slavery in Kansas? It cannot exist there! Slavery cannot be perpetuated over an unwilling people. It will be overborne, scattered to the winds by the first expression of the popular will. Will it be greater security of slavery in the States? Establish once this law of violence, disregard the earnest and solemn appeal of Kansas, and the day may come when the same law of violence may strike you down, disregard your rights, and even peril your homes. Will it localize this distracting question? Fatal delusion! Three years ago, to localize it, you divested Congress of its sovereignty. You asserted that the people of the Territory should decide their domestic institutions for themselves. Will you now divest the people of this right, and attempt to localize slavery in the State? Do so; but you will not succeed. Slavery in Kansas cannot be localized, nor peace secured, by any such subterfuge.

Representatives of the free States, Kansas demands justice; shall it be denied? She demands that her voice may be heard, and privileges respected; shall they be refused? She demands the right to form her own Constitution in her own way, and by her own people; shall it be withheld? Will you crush her to gratify the Executive? When you have done so, see to it that you are not yourselves ground to dust between the upper and nether millstone of popular condemnation!

Representatives of the North and South, of every section of this broad confederacy, upon your decision rest the hopes and fears of an oppressed people. Let it be made. If against Kansas, I feel assured, I know indeed, she will right her wrongs at the sacrifice of treasure, of blood, and of life! If for Kansas, then justice will be done. But, in any event, I call upon the House, each member of the House, if you would maintain the Constitution and the Union—if you would preserve and perpetuate the blessings of liberty—if you would advance the honor, the greatness, and the peace of our common country—nay, more, if you would avert civil war—I ask, I implore, I demand, that you REJECT THIS CONSTITUTION!

WASHINGTON, D. C.

BUELL & BLANCHARD, PRINTER

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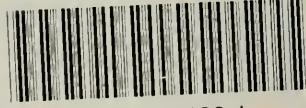








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